



June 13, 2007

To: Transportation Authority of Marin Executive Committee

From: Dianne Steinhauser, Executive Director

Through: Eric Schatmeier, Manager of Planning

RE: BPAC By-Laws, Agenda Item 8

Dear Commissioners:

Executive Summary

At its May 24 meeting, the TAM Board agreed to form a Bicycle/Pedestrian Advisory Committee (BPAC) for the county in answer to public participation requirements that must be observed to ensure eligibility for state and regional funding programs. As a result of that action, staff has begun the process for nominating and appointing committee members from the geographic areas and constituent groups specified by the Board. The committee will serve as an advisory body to TAM staff in three required areas of consultation: 1. Selection of candidate projects for Transportation Development Act (TDA) Article 3 funds, 2. Similar selection of Regional Bike/Ped Program funded projects, and 3. reasonable accommodation of bicycle and pedestrian needs in transportation capital projects funded by MTC funds. To answer Executive Committee and Board concerns about specific committee roles and responsibilities, staff has drafted a proposed by-laws reflecting requirements of state law and regional guidelines.

Recommendation: That the Executive Committee recommend acceptance of the proposed BPAC By-Laws as a means for defining specific responsibilities of the BPAC.

Background

At its May 24 meeting, the TAM Board of Commissioners agreed to form a Bicycle/Pedestrian Advisory Committee (BPAC) consisting of six geographic representatives (Novato/Northern Marin, Southern Marin, Larkspur/Corte Madera, West Marin, San Rafael and the Ross Valley) and seven members representing specialized perspectives (The Marin Public Works Association, bicyclists, pedestrians, the disabled, seniors, schools, business and the environment. To keep committee size manageable, individual members may represent more than one group.). The Committee's participation in various state and regional funding program decisions is necessary to ensure public participation is a part of those decisions. The Committee will make recommendations to TAM's Executive Director, who will then make a final recommendation to the TAM board. In particular, candidate projects for State Transportation Development Act (TDA) Article 3 bicycle funds and Regional Bicycle/Pedestrian Program (RBPP) funds require committee review, according to guidelines drafted by Metropolitan Transportation Commission (MTC) staff in support of Commission Resolutions 875 and 3644. MTC is delegated the responsibility to establish these funding guidelines and procedures by state statute. MTC also

monitors observance of Federal, state, regional and local policies related to routine accommodation of bicycle and pedestrian needs in transportation capital projects. The BPAC will review candidate projects with these policies in mind.

Finding

Other Bay Area BPACs mandated by MTC are governed by By-laws documents describing committee duties, membership and operating procedures. Although local funding programs and committee participation in other counties differ from Marin, core BPAC responsibilities related to TDA and RBPP funding will be similar. To allay concerns raised by the Executive Committee and the Board at their May meetings, staff submits a Draft By-Laws (attached) for Committee consideration and approval.

Note there are several attachements to this memo that are excerpted from both State statute and MTC policy documents, which direct the role of the BPAC.

Recommendation: That the Executive Committee recommend acceptance of the proposed BPAC By-Laws as the means for defining specific responsibilities of the BPAC.

Attachment 1 State Statute reference to regional policy for use of TDA Article 3 funds
Attachment 2: MTC policy directing use and composition of BPAC by CMA , excerpt
Attachment 3: MTC policy directing use of BPAC in selecting RBPP projects
Attachment 4: Draft BPAC By-Laws

Marin County Bicycle/Pedestrian Advisory Committee By-Laws

This Draft By-Laws outlines the proposed purpose, duties, membership, and operating procedures of the Marin County Bicycle/Pedestrian Advisory Committee (BPAC)

1. Purpose

To involve concerned citizens in the development, funding, programming and implementation of bicycle and pedestrian improvement projects and programs administered by the Transportation Authority of Marin (TAM) in the following program areas:

- Transportation Development Act Article 3 funds (TDA Art 3)
- Regional Bicycle Pedestrian Program funds (RBPP)
- Routine Accommodation on MTC funded projects

2. Duties

The BPAC is an advisory committee to TAM's Executive Director. The duties of the committee shall be:

- Make recommendations on the annual priority list of bicycle and pedestrian projects for the TDA Article 3 and MTC Regional Bicycle and Pedestrian programs.
- Review and provide comments to TAM's Executive Director on the meeting of MTC policy requirements regarding routine accommodation of bicycle and pedestrian needs in capital projects funded by MTC.

The committee will serve in an advisory capacity to TAM's Executive Director. It has no independent duties and no authority to take actions that bind TAM or the county or the Board. Nor may it authorize expenditures or requisition services or supplies or seek reimbursement for travel or other expenses without approval by the TAM Board.

Additional duties related to county-wide bicycle and pedestrian programs or issues may be assigned to the BPAC as determined by the TAM Board and the TAM Executive Director.

3. Membership

The TAM Board intends that the BPAC represent both bicycle and pedestrian views, that it represent all areas of the county and that it reflect Marin County's diversity in age, income, gender and ethnicity to the greatest extent possible. To achieve this intent, the BPAC shall consist of 13 members, six of whom are appointed to represent geographic areas and seven to represent a variety of special bicycle and pedestrian perspectives. The geographic representatives shall be from Novato/Northern Marin, Southern Marin, Larkspur/Corte Madera, West Marin, San Rafael and the Ross Valley. Each

area representative will also have an alternate who will perform the regular member's duties in the event of absence. Other members will represent seniors, the disabled, schools and the County Public Works Association (two members). In addition, there shall be an at-large bicycle and an at-large pedestrian member. One of these last seven members must also represent environmental interests. At least one other must represent business interests. TAM staff will solicit members through an application process and recommend committee appointments to the TAM Board. Each geographic representative must be acceptable to TAM Board members representing that area.

Half the BPAC members will be appointed for two year terms; the remainder for three year terms. The terms may be successive.

4. Meetings

The BPAC will meet at least quarterly, but no more than six times per year at times that coincide with the various funding cycles and requests for input from public agencies. Regular quarterly meetings will be on the [times and dates to be determined] at [location to be determined]. A special meeting may be called by the BPAC chair with approval by the TAM Executive Director. Special meetings will be noticed, conducted and recorded according to the same procedures as regular meetings.

TAM staff will provide administrative support for the committee including scheduling, meeting location and notice, preparation of agendas and minutes and preparation of reports to the TAM Board. All meetings will comply with the requirements of the Brown Act. Notice of meetings and agendas will be given to all BPAC members and any member of the public requesting such notice in writing, and will be posted to the TAM website at least 72 hours prior to each meeting. All meetings will be open to the public, except for closed sessions permitted by the Brown Act. Members of the public may address the BPAC on any matter not on the agenda and on each matter listed on the agenda, pursuant to procedures set by the committee.

For purposes of decision making, a quorum shall consist of at least half the currently-serving members of the committee. No actions will be taken at meetings without a quorum. Items may be discussed and information distributed on any item even if a quorum is not present.

5. Officers

The BPAC shall annually elect a Chair and Vice-Chair. An individual receiving a majority of votes by a quorum of the BPAC shall be elected and will assume office at the meeting following the election (except at the BPAC's first meeting where the elected chair will assume office immediately). Officers will be eligible for re-election for two subsequent one-year terms.

The Chair shall preside at all BPAC meetings . He/she may also identify, in consultation with TAM staff, items of interest for future agendas that are relevant to the BPAC's duties and responsibilities. The Vice-Chair will assume all duties of the Chair in the absence of, or upon the request of the Chair.